

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTATE OF ADAM CHRISTOPHER
JENSEN, by the Personal Representative
PAULA DOW, *et al.*,

Plaintiffs,

v.

COUNTY OF SNOHOMISH, *et al.*,

Defendants.

CASE NO. C20-1320-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to file confidential material under seal (Dkt. No. 59). Having considered the motion and the relevant record and finding good cause, the Court hereby GRANTS the motion for the reasons described below.

Related to the Snohomish County Defendants' anticipated response to the Court's request for supplemental briefing regarding application of the "sham affidavit rule" (Dkt. No. 58), Defendants wish to file under seal an audio recording, Bates numbered Jensen_001196. (Dkt. No. 59 at 2.) This recording has been designated "Confidential." (*Id.*)

Parties may seek to file a document under seal pursuant to Local Civil Rule 5(g). While there is a strong presumption of public access to the Court's files, a document designated as "confidential" in discovery that a party seeks to attach to a dispositive motion may be filed under seal so long as the party shows "compelling reasons" to do so. *See Kamakana v. City and Cnty.*

1 of Honolulu, 447 F.3d 1172, 1178-81 (9th Cir. 2006).

2 The recording Defendants seek to file contains confidential information that, if publicly
3 disclosed prior to trial, may result in the formation of improper bias by potential jurors. (Dkt. No.
4 59 at 2.) This is a sufficiently compelling reason to maintain such information under seal and that
5 reason outweighs the public's interest in its disclosure. *See Karpenski v. Am. Gen. Life Cos.*,
6 *LLC*, 2013 WL 5588312, slip. op. at 1 (W.D. Wash. 2013).

7 Accordingly, the Court GRANTS the stipulated motion to seal (Dkt. No. 59) the audio
8 recording, Bates numbered Jensen_001196.

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10 DATED this 20th day of May 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE